

### **REMARKS**

Claims 23-26 were cancelled. Claims 29-44 have been added. No claims have been amended. With entry of this Amendment, claims 29-44 will be pending. No new matter has been introduced. The Applicant respectfully submits that the newly-presented claims are in condition for allowance.

The Examiner rejected claims 23-26 as being unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,169,662 to Spicer (“Spicer”) and U.S. Patent No. 3,656,966 to Ball (“Ball”). In view of the cancellation of claims 23-26, these rejections are now moot.

### **Independent Claim 29 and Dependent Claims 30-35**

Claim 29 recites “[a] sheeted uncooked dough comprising beta-glucan soluble fiber or a source of beta-glucan soluble fiber.”

Spicer describes a dough that is pressure-cooked prior to its exiting the extruder die. Column 6, lines 57-67. “The cooked dough mix exit[s] from the extruder and expand[s] to 4 times the volume of the uncooked dough mix so as to provide the expanded oat bran dietary product of the invention.” Column 8, lines 27-30. Ball describes a process wherein the dough is cooked prior to rolling or extruding the mass into a sheet or sheets. Column 3, lines 26-28. Spicer and Ball require the dough to be cooked either during or prior to extrusion. Accordingly, Spicer and Ball, taken separately or combined, do not teach or suggest the subject matter of new claim 29. Particularly, Spicer and Ball do not teach or suggest “[a] sheeted uncooked dough comprising beta-glucan soluble fiber or a source of beta-glucan soluble fiber.”

Therefore, claim 29 is allowable. Consideration and allowance of claim 29 are respectfully requested.

Claim 30 depends from allowable claim 29, and therefore is allowable. In addition, claim 30 contains additional patentable subject matter. Particularly, claim 30 recites “[t]he dough of Claim 29 wherein the dough has a beta-glucan soluble fiber level of at least about 1% by weight.”

Claim 31 depends from allowable claim 29, and therefore is allowable. In addition, claim 31 contains additional patentable subject matter. Particularly, claim 31 recites “[t]he dough of Claim 29 wherein the dough has a beta-glucan soluble fiber level of at least about 2% by weight.”

Claim 32 depends from allowable claim 29, and therefore is allowable. In addition, claim 32 contains additional patentable subject matter. Particularly, claim 32 recites “[t]he dough of Claim 29 wherein the dough has a beta-glucan soluble fiber level from about 1% to about 10% by weight.”

Claim 33 depends from allowable claim 29, and therefore is allowable. In addition, claim 33 contains additional patentable subject matter. Particularly, claim 33 recites “[t]he dough of Claim 29, further comprising a non-digestible fat or a source of non-digestible fat.”

Claim 34 depends from allowable claim 33, and therefore is allowable. In addition, claim 34 contains additional patentable subject matter. Particularly, claim 34 recites “[t]he dough of Claim 33 wherein the non-digestible fat comprises olestra.”

Claim 35 depends from allowable claim 33, and therefore is allowable. In addition, claim 35 contains additional patentable subject matter. Particularly, claim 35 recites “[t]he dough of Claim 33 further comprising a carbohydrate source.

Accordingly, dependent claims 30-35 and 45-47 are allowable. Consideration and allowance of these claims are respectfully requested.

#### **Independent Claim 36 and Dependent Claims 37-44**

Claim 36 recites “[a] dough comprising: 1) beta-glucan soluble fiber or a source of beta-glucan soluble fiber; and 2) a non-digestible fat or a source of non-digestible fat.”

Neither Spicer nor Ball make any mention of non-digestible fat or a source of non-digestible fat. Therefore, Spicer and Ball, taken separately or combined, neither teach nor suggest “[a] dough comprising beta-glucan soluble fiber or a source of beta-glucan soluble fiber and a non-digestible fat or a source of non-digestible fat.”

Consequently, claim 36 is allowable. Consideration and allowance of claim 36 are respectfully requested.

Claim 37 depends from allowable claim 36, and therefore is allowable. In addition, claim 37 contains additional patentable subject matter. Particularly, claim 37 recites “[t]he dough of Claim 36 wherein the dough is cooked to reduce moisture content to less than about 4% by weight.”

Claim 38 depends from allowable claim 37, and therefore is allowable. In addition, claim 38 contains additional patentable subject matter. Particularly, claim 38 recites “[t]he dough of

Claim 37 wherein molten non-digestible fat or a source of a non-digestible fat is applied to a surface of the cooked dough.”

Claim 39 depends from allowable claim 36, and therefore is allowable. In addition, claim 39 contains additional patentable subject matter. Particularly, claim 39 recites “[t]he dough of Claim 36 used to produce a finished snack product comprising at least about 0.75 g beta-glucan soluble fiber and at least about 4 g olestra per 30 g single serving.”

Claim 40 depends from allowable claim 36, and therefore is allowable. In addition, claim 40 contains additional patentable subject matter. Particularly, claim 40 recites “[t]he dough of Claim 36 wherein the non-digestible fat comprises olestra.”

Claim 41 depends from allowable claim 36, and therefore is allowable. In addition, claim 41 contains additional patentable subject matter. Particularly, claim 41 recites “[t]he dough of Claim 36 wherein the dough has a beta-glucan soluble fiber level of at least about 1% by weight.”

Claim 42 depends from allowable claim 36, and therefore is allowable. In addition, claim 42 contains additional patentable subject matter. Particularly, claim 42 recites “[t]he dough of Claim 36 wherein the dough has a beta-glucan soluble fiber level of at least about 2% by weight.”

Claim 43 depends from allowable claim 36, and therefore is allowable. In addition, claim 43 contains additional patentable subject matter. Particularly, claim 43 recites “[t]he dough of Claim 36 wherein the dough has a beta-glucan soluble fiber level from about 1% to about 10% by weight.”

Claim 44 depends from allowable claim 36, and therefore is allowable. In addition, claim 44 contains additional patentable subject matter. Particularly, claim 44 recites “[t]he dough of Claim 36 further comprising a carbohydrate source.”

Accordingly, dependent claims 37-44 are allowable. Consideration and allowance of these claims are respectfully requested.

Accordingly, dependent claims 37-44 are allowable. Consideration and allowance of these claims are respectfully requested.

**CONCLUSION**

In view of the foregoing, consideration and allowance of claims 29-44 are respectfully requested. The Examiner is strongly encouraged to contact the undersigned by telephone at the Examiner's convenience should any issues remain.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. J. Hartwig', with a stylized flourish at the end.

Gregory J. Hartwig  
Reg. No. 46,761

Docket No.: 066544-9011  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4108  
(414) 271-6560

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